

REMARKS

Applicant respectfully requests reconsideration of the application in view of the above amendments to the claims and the following remarks.

STATUS OF THE CLAIMS:

Claims 1-11 are pending.

Claims 1 and 4 are canceled.

Claims 7 and 8 are allowed.

Claims 2, 3, 5, 6, 9, 10 and 11 are currently amended.

ALLOWABLE SUBJECT MATTER

In the Office Action mailed 07/15/2004, Claims 7 and 8 were allowed; Claims 2-4 and 6 were objected to as being dependent upon a rejected base claim, but indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and an intervening claims; and Claims 9-11 were objected to, but indicated to be allowable if rewritten to overcome the objection and rejections and to include all of the limitations of the base claim and any intervening claims.

The indications of allowable subject matter are gratefully acknowledged. Claim 2 has been amended to include all of the subject matter of Claim 1 and Claim 4 and is believed to be allowable. Claims 3, 5 and 6, being dependent on amended Claim 2, are likewise believed to be allowable.

Claims 9-11 have been amended and for the reasons stated below are also believed to be allowable.

CLAIM OBJECTION:

In the Office Action mailed 07/15/2004, claim 9 was objected to because there is no antecedent basis for the phrase "step e)" in Claim 7.

Applicants point out that Claim 9, as currently amended, now refers to "step d)" which phrase does have antecedent basis in Claim 7.

Accordingly, Applicants respectfully submit that the objection to Claim 9 should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC § 112:

In the Office Action mailed 07/15/2004, Claims 10 and 11 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regards as the invention. The Office Action pointed out that the phrases "said intensity measurement" and "said luster measurement" in Claims 10 and 11, respectively, lack antecedent basis.

Claim 10, as currently amended, now refers to "said optical density determined in step d)" which has antecedent basis in Claim 7.

Claim 11, as currently amended, depends from Claim 9 rather than Claim 7 and Claim 9 does contain antecedent basis for the phrase "said luster measurement."

Accordingly, Applicants respectfully submit that the rejections of Claims 10 and 11 under 35 USC § 112, second paragraph, should be withdrawn.

CLAIM REJECTIONS UNDER 35 USC § 103(a):

In the Office Action mailed 07/15/2004, Claims 1 and 5 are rejected under 35 USC § 103(a) as being unpatentable over Matsuoka et al. (Form 1449, Item AN) in view of Eilertsen et al (Automatic image analysis of Coke texture).

Applicants point out that Claims 2, 3, 5 and 6, as currently amended, recite an iterative process of luster measurement and averaging the extracted luster values to obtain the average luster value of the sample; that Claim 3, further recites a setup procedure of sample placement for scanning; and that Claim 6 further recites a step of varying operating parameters of petroleum refining in order to alter the luster measurement. As acknowledged in the Office Action at paragraph 6, the prior art of record, specifically Matsuoka et al. in view of Eilertsen, does not teach these process steps.

Accordingly, Applicants respectfully submit that the rejections under 35 USC § 103(a) should be withdrawn.

CONCLUSION

Applicants respectfully request consideration of the foregoing amendments and remarks and request reconsideration of the application and withdrawal of the objections and rejections. Applicants believe this reply to be fully responsive to each ground of objection and rejection raised in the Office Action mailed 07/15/2004. If this belief is incorrect, or if a telephone conference would facilitate the resolution of any issue, the Examiner is invited to telephone the undersigned or her associates at the telephone number listed below. Please charge any fees or apply any credits to Deposit Account Number 16-1575, ConocoPhillips Company, Houston, Texas.

Respectfully submitted,

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